

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

Con.Case(C).No. 1305 of 2006(S)

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AGAINST THE JUDGEMENT IN WPC.34286/2004**

PETITIONER:

**SANTHAMMA, W/O.SIVAN,
AGED 46 YEARS, VATTANDA HOUSE,
AYYAPPANKOVIL, IDUKKI DISTRICT.**

**BY ADV. SRI.C.S.MANILAL
SRI.M.K.SUBHAKARAN**

RESPONDENTS:

**C.J.THOMAS, (S/O.NOT KNOWN TO THE PETITIONER),
AGED 52 YEARS, SECRETARY, AYYAPPANKOVIL GRAMA
PANCHAYATH, IDUKKI DISTRICT.**

**BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

K.K.DENESAN, J.

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C.O.C.No.1305 OF 2006-S.

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Dated this the 30th day of March, 2007.

J U D G M E N T

The petitioner is the petitioner in WP(C). No.34286/2004 also. She complaints that the 4th respondent in the Writ petition has failed to comply with the directions issued in the judgment in WP(C). No.34286/2004.

2. Learned counsel for the petitioner has made an endeavour to make out a case by reading the operative part of the judgment in WP(C).No.34286/2004 and the judgment of the Division Bench in WA.No.1863/2004 and other connected cases. The Division Bench judgment was followed in disposing of WP(C)No.34286/2004. It is seen from the pleadings, particularly, the affidavit filed by the Secretary of the Panchayat that the Panchayat has passed a resolution to regularise the service of the petitioner, and pursuant to the

resolution thus passed, the Secretary has issued orders giving effect to the order of regularisation from 1-12-2005. It is not disputed that the petitioner is put on a pay scale from that date onwards and she is being paid the emoluments in the scale of pay. According to the petitioner, the respondent ought to have sanctioned pay to the petitioner in the appropriate scale of pay, at least, three years prior to the date of the judgment, because, the Division Bench had declared that Part Time Sweepers will have the right to get arrears of pay and allowances in the appropriate pay scale for a period of three years counted back from the date of the claim for salary made by them.

3. Contention urged on behalf of the respondent Panchayat is that for the period prior to 1-12-2005, no emoluments can be paid in a time scale of pay since the grant of the time scale is connected with the sanction of the regular post of Part Time Sweeper.

4. I think, the above controversy need not and cannot be settled in this Contempt of Court proceedings. The resultant position is that to resolve

the dispute relating to the claim for emoluments for the pre-regularised period, the petitioner will have to prosecute her case further in appropriate proceedings. I make it clear that the judgments already passed will not stand in the way of the petitioner claiming such benefits either from the Panchayat or from any other competent authority. She will be free to prosecute her case before the competent Court also, if need be. Without prejudice to that right of the petitioner, this Contempt of Court Case is closed.

K.K.DENESAN, JUDGE.

kvs/-